

# Memorandum



**Date:** March 20, 2018

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

Agenda Item No. 5(H)

**From:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

**Subject:** Class I Permit Application by Braintree LTD to fill wetlands at 398 Golden Beach Drive in the Town of Golden Beach, Miami-Dade County, Florida

## **Recommendation**

I have reviewed the attached application for a Class I permit by Braintree LTD and based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit for the reasons set forth below.

Pursuant to Ordinance No. 16-73, this quasi-judicial matter may be submitted directly for placement on the Board's meeting agenda by the Director of the Department of Regulatory and Economic Resources.

## **Scope**

The project site is located at 398 Golden Beach Drive, in the Town of Golden Beach, Florida in Commission District 4, which is represented by Commissioner Sally A. Heyman.

## **Fiscal Impact/Funding Source**

This resolution is a regulatory approval and does not have a fiscal impact.

## **Track Record/Monitor**

The Coastal and Wetlands Resources Section Manager, Pamela Sweeney, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), will be responsible for monitoring the proposed permit.

## **Background**

The subject Class I permit application requests authorization for filling of 6,703 square feet of wetlands that support halophytic (salt tolerant) vegetation at 398 Golden Beach Drive in the Town of Golden Beach, Miami-Dade County, Florida. The proposed project is required to be reviewed and approved by the Board at a public hearing because the scope of work is specifically referenced in Section 24-48.2 of the Code as work that shall be processed with a standard form application, including a public hearing.

The site is a single-family waterfront property bordering a residential canal. The property is located on a manmade island that was bulkheaded and backfilled prior to 1930 for development of single-family residences. Prior to conducting seawall repairs in 2016, the property was regularly inundated by tidal waters resulting in the growth of halophytic wetland vegetation as defined by Section 24-5 of the Code, including red mangrove trees, black mangrove trees, white mangrove trees and herbaceous wetland vegetation. Although the seawall has since been replaced, tidal waters continue to inundate the project site through the adjacent municipal stormdrain, fostering the opportunistic growth of the wetlands. The applicant is requesting authorization to backfill the wetlands on the property.

The applicant is proposing to raise the elevation of the property and will incorporate berms and grading of the fill material adjacent to neighboring properties to ensure the containment of the newly

placed fill and the protection of the property from tidal inundation in the future. Section 24-48.3(2) of the Code requires that dredging or filling work proposed in Class I permit applications shall comply with at least one of the criteria specified therein. The opportunistic wetlands grew onsite due to tidal inundation resulting from inadequate maintenance of the bulkhead and encroachment of tidal waters through the municipal stormwater system. Therefore, DERM staff has determined that the project complies with the Code since the backfilling is a physical modification necessary to protect public or private property.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. The wetlands at the property have recruited into an upland area that was established and has been maintained as a single-family development, and the proposed impacts are the minimum necessary to allow for continued historic use of the property. The wetlands onsite are isolated from other natural wetland systems, and mitigation for impacts associated with the filling of wetlands will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund.

The project has been designed in accordance with all relevant Miami-Dade County coastal and wetland construction criteria and is consistent with all other Miami-Dade County coastal and wetland protection provisions. Please find attached a DERM Project Report, which sets forth the reasons the proposed project is recommended for approval by DERM, pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code. The conditions, limitations, and restrictions set forth in the attached Project Report are incorporated by references.

**Attachments**

- Attachment A: Class I Permit Application
- Attachment B: Owner/Agent Letter, Engineer Letter and Project Sketches
- Attachment C: Zoning Memorandum
- Attachment D: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work
- Attachment E: DERM Project Report

**Attachment A**

**Class I Permit Application**



# Class I Permit Application

<b>RECEIVED</b>		<b>DEPARTMENTAL USE ONLY</b>	
<b>Date Received:</b>	<b>SEP - 1 2017</b>	<b>Application Number:</b> CL1-2016-0410	
		<b>Application Fee:</b> \$ <u>720.00</u>	
		<b>Permit Fee:</b> \$ <u>875.00</u>	
Department of Regulatory and Economic Resources Natural Resources Division			

Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.

<b>1. Applicant Information:</b> Name: <u>Braintree LTD</u> Address: <u>188 East 70 Street</u> <u>New York, NY</u> Zip Code: <u>10021</u> Phone #: _____ Fax#: _____ Email: <u>enavas@orthotex.com</u> <small>* This should be the applicant's information for contact purposes.</small>	<b>2. Applicant's Authorized Permit Agent:</b> <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: <u>The Chappell Group, Inc.</u> Address: <u>714 East McNab Road</u> <u>Pompano Beach, FL</u> Zip Code: <u>33060</u> Phone #: <u>(954)-782-1908</u> Fax #: _____ Email: <u>tyler@thechappellgroup.com</u>
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<b>3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):</b>			
Folio #(s): <u>19-1235-005-0750</u>	Latitude: <u>25 51' 15.8"</u>	Longitude: <u>80 9' 35.6"</u>	
Street Address: <u>398 Golden Beach Drive</u>	Section: <u>35</u>	Township: <u>51</u>	Range: <u>42</u>
In City or Town: <u>Golden Beach</u>	Near City or Town: _____		
Name of waterway at location of the activity: _____			

<b>4. Describe the proposed activity (check all that apply):</b>				
<input type="checkbox"/> Seawall <input type="checkbox"/> New/Replacement Seawall <input type="checkbox"/> Seawall Cap <input type="checkbox"/> Batter Piles <input type="checkbox"/> King Piles <input type="checkbox"/> Footer/Toe Wall <input type="checkbox"/> Riprap	<input type="checkbox"/> Dock(s) <input type="checkbox"/> Pier(s) <input type="checkbox"/> Viewing Platform	<input type="checkbox"/> Boatlift <input type="checkbox"/> Mooring Piles <input type="checkbox"/> Fender Piles <input type="checkbox"/> Davits	<input type="checkbox"/> Dredging <input type="checkbox"/> Maintenance <input type="checkbox"/> New <input checked="" type="checkbox"/> Filling	<input type="checkbox"/> Mangrove Trimming <input type="checkbox"/> Mangrove Removal
<input type="checkbox"/> Other: : _____				
Estimated project cost = <u>\$20,000</u>				
Are you seeking an after-the-fact approval (ATF)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", describe the ATF work: _____				

<b>5. Proposed Use (check all that apply):</b> <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Utility	<b>6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel):</b> Proposed Vessel Type (s): _____ Vessel Make/Model (If known): _____ Draft (s)(range in inches.): _____ Length (s)(range in feet.): _____ Total Number of Slips: _____
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<b>7. List all permits or certifications that have been applied for or obtained for the above referenced work:</b>				
Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date

**8. Contractor Information (If known):**

Name: Morrison Contractors License # (County/State): CGC-1518076  
 Address: 3000 SW 26 Terrace, Dania Beach, FL Zip Code: 33312  
 Phone #: (954)-583-8500 Fax # \_\_\_\_\_ E-mail: permits@morrisonbuilders.com

**9. IMPORTANT NOTICE TO APPLICANTS:** The written consent of the property owner is required for all applications to be considered complete. Your application WILL NOT BE PROCESSED unless the Applicant and Owner Consent portion of the application is completed below. You have the obligation to apprise the Department of any changes to information provided in this application.

Application is hereby made for a Miami-Dade County Class I permit to authorize the activities described herein. I agree to or affirm the following:

- I possess the authority to authorize the proposed activities at the subject property, and
- I am familiar with the information, data and plans contained in this application, and
- To the best of my knowledge and belief, the information, data and plans submitted are true, complete and accurate, and
- I will provide any additional information, evidence or data necessary to provide reasonable assurance that the proposed project will comply with the applicable State and County water quality standards both during construction and after the project is completed, and
- I am authorizing the permit agent listed in Section 2 of this application to process the application, furnish supplemental information relating to this application and bind the applicant to all requirements of this application, and
- I agree to provide access and allow entry to the project site to inspectors and authorized representatives of Miami-Dade County for the purpose of making the preliminary analyses of the site and to monitor permitted activities and adherence to all permit conditions.

**A. IF APPLICANT IS AN INDIVIDUAL**

Signature of Applicant \_\_\_\_\_ Print Applicant's Name \_\_\_\_\_

**B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON**  
(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

Braintree Limited LTD B.V.I.  
 Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). \*\*\*Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages. \*\*\*

 Eduardo Navas VP/Secretary 8-28-2017  
 Signature of Authorized Representative Print Authorized Representative's Name Title Date

**C. IF APPLICANT IS A JOINT VENTURE** Each party must sign below (If more than two members, list on attached page)

Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation

Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). \*\*\*Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages. \*\*\*

Signature of Authorized Representative \_\_\_\_\_ Print Authorized Representative's Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Signature of Authorized Representative \_\_\_\_\_ Print Authorized Representative's Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**10. WRITTEN CONSENT OF THE PROPERTY OWNER OF THE AREA OF THE PROPOSED WORK**

I/We are the fee simple owner(s) of the real property located at 398 Golden Beach Drive, Golden Beach, Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 19-1235-005-0750 I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

**A. IF THE OWNER(S) IS AN INDIVIDUAL**

Signature of Owner \_\_\_\_\_ Print Owner's Name \_\_\_\_\_ Date \_\_\_\_\_

Signature of Owner \_\_\_\_\_ Print Owner's Name \_\_\_\_\_ Date \_\_\_\_\_

**B. IF THE OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON**

(Examples: Corporation, Partnership, Joint Venture, Trust, LLC, LLP, etc.)

Braintree Limited

Print Name of Owner (Enter the complete name as registered)

LTD

Type (Corp, LLC, LLP, etc.)

B.V.I

State of Registration/Incorporation

188 E 70 Street (28C) New York, NY 10021

Address of Owner

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Owner, to bind the Owner, and if so required to authorize the issuance of a bond on behalf of the Owner. (If asked, you must provide proof of such authority to the Department). **\*\*\*Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.\*\*\***

 \_\_\_\_\_ Eduardo Navas \_\_\_\_\_ VP/Secretary \_\_\_\_\_ 8-29-2017  
Signature of Authorized Representative \_\_\_\_\_ Print Authorized Representative's Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Signature of Authorized Representative \_\_\_\_\_ Print Authorized Representative's Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**Please Review Above**

Appropriate signature(s) must be included in:

Box 9: either A, B or C

**AND**

Box 10: either A or B

**RECEIVED****SEP - 1 2017**

Department of Regulatory  
and Economic Resources  
Natural Resources Division

## **Attachment B**

### **Owner/Agent Letter, Engineer Letter and Project Sketches**

**PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT**

Date: 8-28-2017

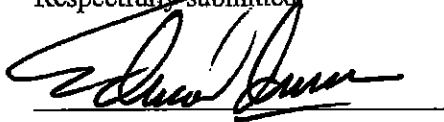
Miami Dade County Department of Regulatory and Economic Resources  
Class I Permitting Program  
701 NW 1<sup>st</sup> Court  
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2016-0410

By the attached Class I Standard Form permit application with supporting documents, I, Eduardo Navas, Vice President, Braintree Limited, am the permit applicant and hereby request permission to perform the work associated with Class I Permit Application CLI-2016-0410. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department. The permit applicant will secure the services of an engineer licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record. In the event that the proposed work which is the subject of this Class I Permit application involves the cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and the permit applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

Respectfully submitted,



Eduardo Navas, Vice President  
Braintree Limited

**RECEIVED**

SEP - 1 2017

Department of Regulatory  
and Economic Resources  
Natural Resources Division



# **James D. Bushouse, P.E.**

## **Consulting Engineer**

---

August 11, 2017

Miami-Dade County Department of Regulatory and Economic Resources  
Class I Permitting Program  
701 NW 1<sup>st</sup> Court  
Miami, FL 33136

Re: Class I Permit Application Number CLI-2016-0410  
Navas Residence - 398 Golden Beach Drive, Golden Beach, Florida

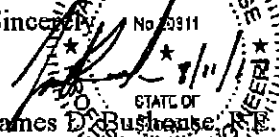
To Whom It May Concern:

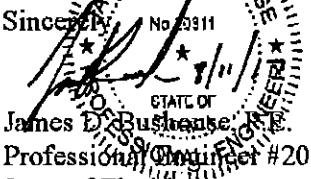
This letter is to certify that I am an Engineer registered and licensed in the State of Florida, qualified by my education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami Dade County which may be applicable; that diligence and recognized standard practices of the engineering profession have been exercised in the design of the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

- a. Harmful obstruction or undesirable alteration of the natural flow of water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water.
- c. Material injury to adjacent property.
- d. Adverse environmental impacts from changes in water quality or quantity.

Further, I have been retained by the contractor, Morrison Contractors, to provide inspections throughout the construction period and to prepare a set of reproducible prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

If you have any questions, please contact me at the below address.

Sincerely,  
  
James D. Bushouse, P.E.  
Professional Engineer #20311  
State of Florida

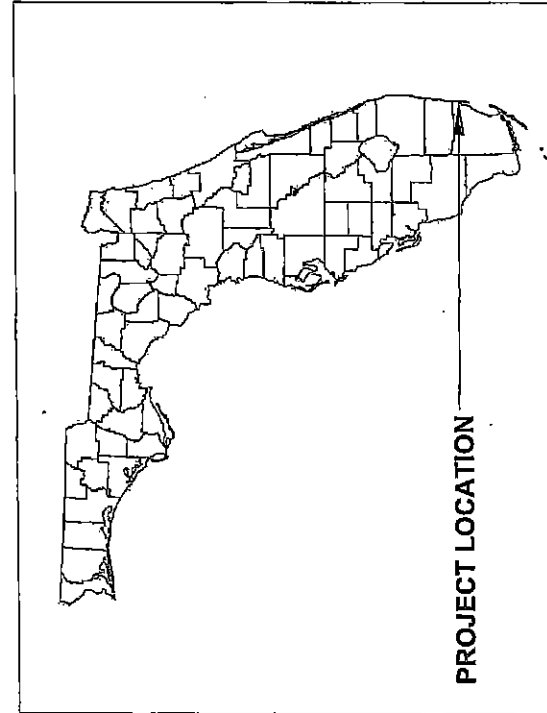


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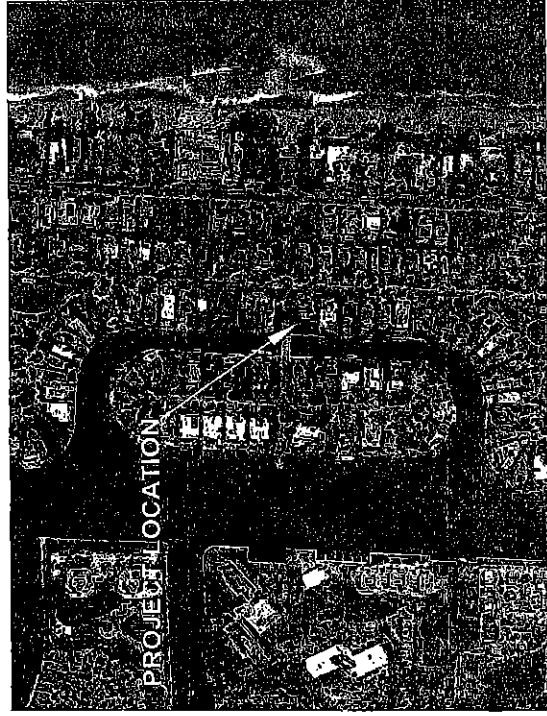
**3300 NE 10th Terrace #24, Pompano Beach, Florida 33064**  
**Phone: (954) 956-2203 Fax: (954) 956-4404**  
**216 E Magnolia Street, Arcadia, Florida 34266**  
**Phone: (863) 491-8242 Fax: (863) 491-8243**  
**bushouse @ bellsouth.net**

# 398 GOLDEN BEACH DRIVE

**DRAWING INDEX**  
 SHEET 1 COVER  
 SHEET 2 PROPOSED  
 CONDITIONS  
 SHEET 3 SECTION  
 SHEET 4 SECTION



LOCATION MAP (n.t.s.)



VICINITY AERIAL (n.t.s.)

*John Bushouse* 8/14/17  
 John Bushouse, P.E.  
 Professional Engineer #20311  
 State of Florida  
 3300 NE 10th Terrace #24  
 Pompano Beach, FL 33064  
 954-956-2203

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 714 East McAlister Road  
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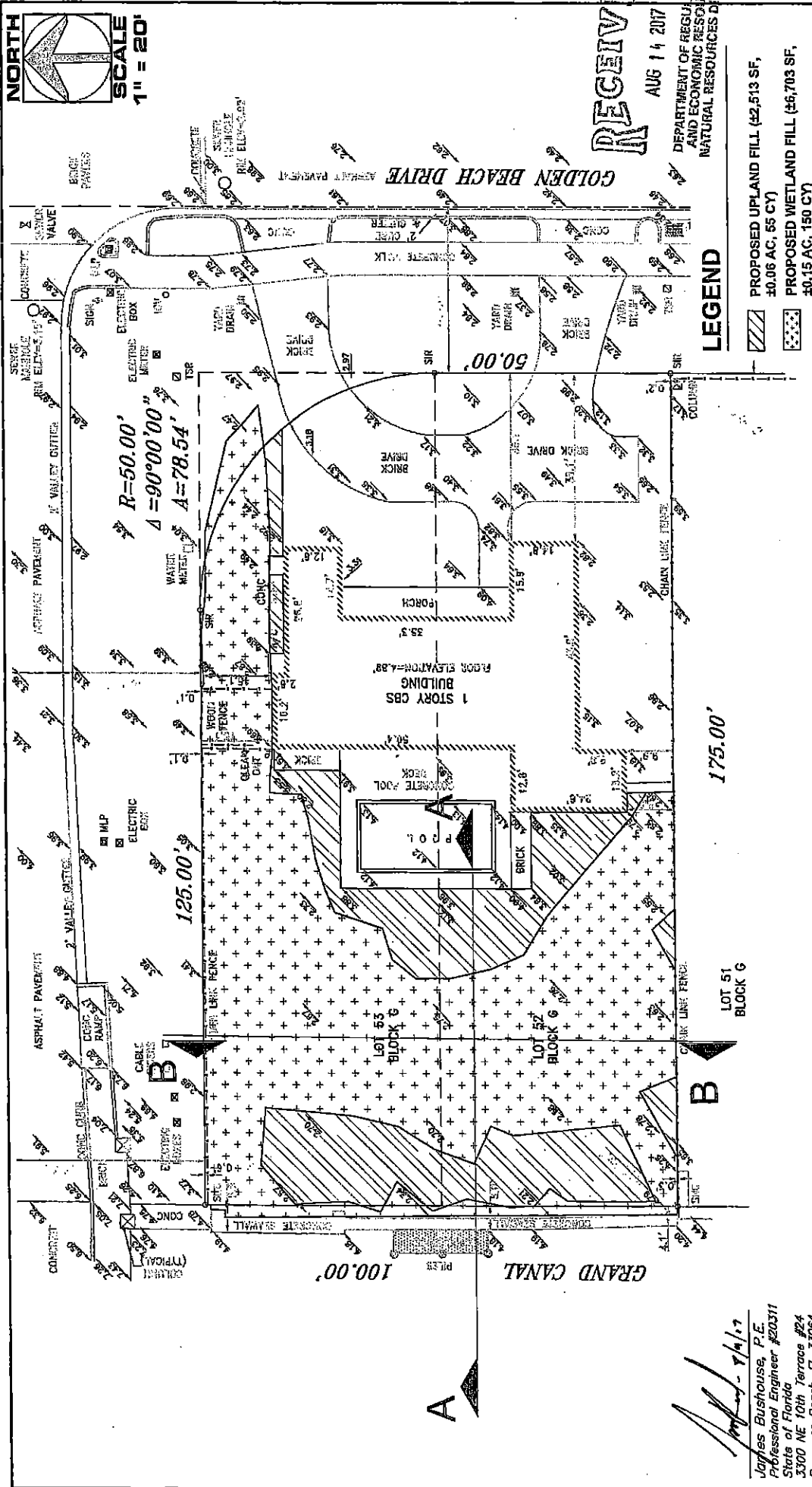
- Environmental Consultants
- Marine & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

**398 GOLDEN BEACH**  
 PREPARED FOR:  
 BRAINTREE LIMITED

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 AUG 14 2017

DEPARTMENT OF REGULATORY  
 AND ECONOMIC RESOURCES  
 NATURAL RESOURCES DIVISION

COVER			
Date:	Sheet:	of:	
8/4/2017	1	4	
Proj No:	16-0061		



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AUG 14 2017  
DEPARTMENT OF REGULATORY  
AND ECONOMIC RESOURCES  
NATURAL RESOURCES DIVISION

**LEGEND**

- PROPOSED UPLAND FILL (#2,513 SF, 30.06 AC, 55 CY)
- PROPOSED WETLAND FILL (#6,703 SF, 30.15 AC, 150 CY)

PROPOSED CONDITIONS			
Date:	Sheet:	of:	
4/6/2017	2	4	
Proj No:	15-0061		

**398 GOLDEN BEACH**  
PREPARED FOR:  
**BRAINTREE LIMITED**

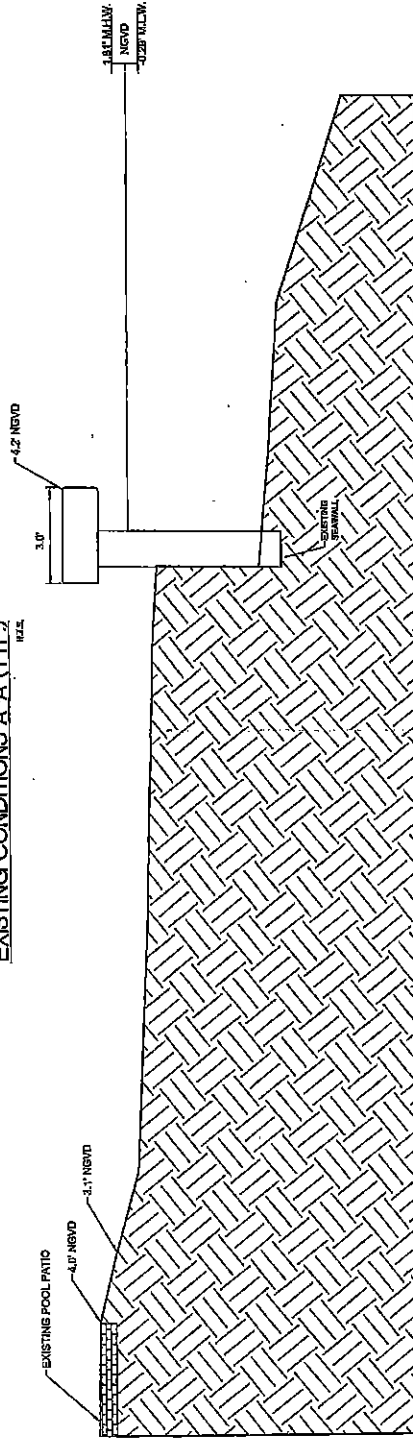
- Environmental Consultants
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- T&E Species Surveys
- Phase I ESAs

**Chappell GROUP**  
714 East McAlister Road  
Pompano Beach, Florida 33060  
Tel: 954.782.1100 www.thechappellgroup.com

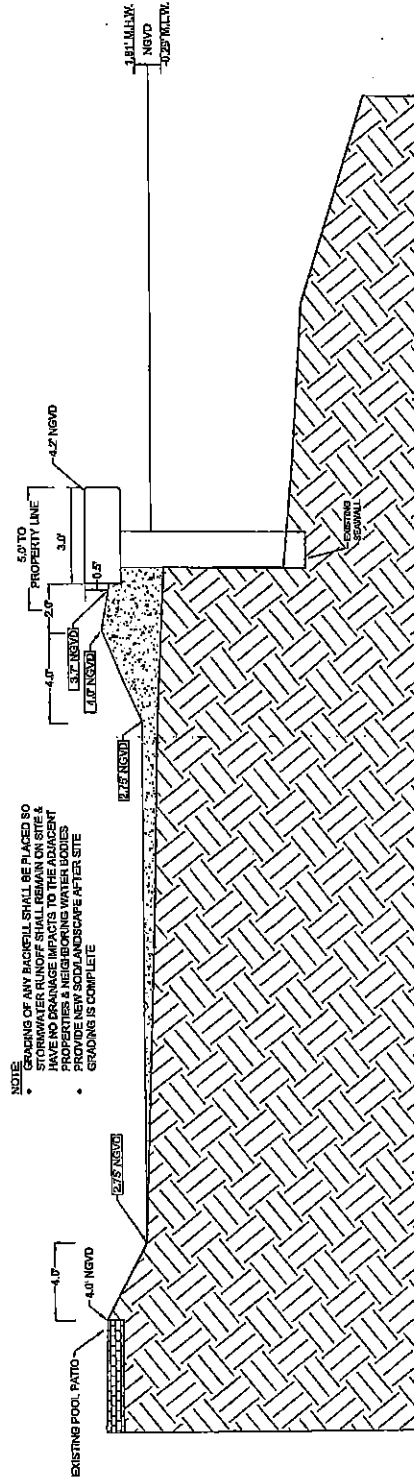
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*James Bushouse, P.E.*  
Professional Engineer #20311  
State of Florida  
3300 NE 10th Terrace #24  
Pompano Beach, FL 33064  
954-958-2203

# EXISTING CONDITIONS A-A (TYP.)



# PROPOSED CONDITIONS A-A (TYP.)



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SEP 25 2017  
Department of Regulatory  
and Economic Resources  
Natural Resources Division

PROPOSED ELEVATION  
2.7' NGVD  
EXISTING ELEVATION  
2.7' NGVD  
PROPOSED FILL

## 398 GOLDEN BEACH

PREPARED FOR:  
BRAINTREE LIMITED

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

**THE Chappell GROUP**  
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Pompano Beach, Florida 33060  
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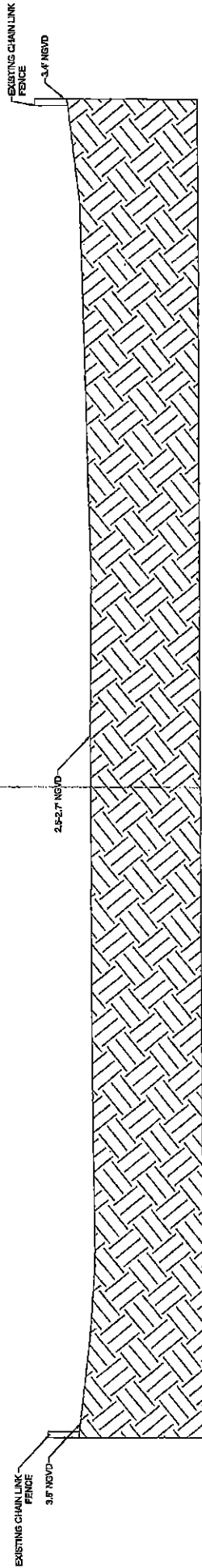
SECTIONS

Date: 8/3/2017  
Sheet: 3 of: 4  
Proj No.: 16-0061

*John Bushouse, P.E.*  
Professional Engineer #20311  
State of Florida  
3300 NE 10th Terrace #24  
Pompano Beach, FL 33064  
954-956-2203

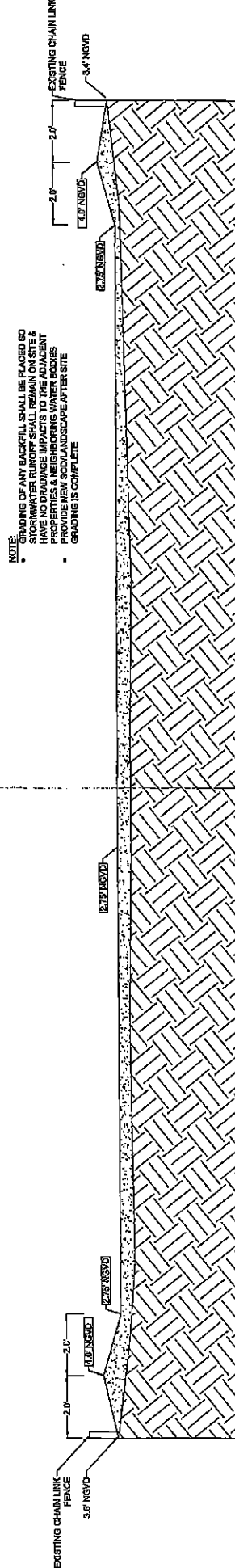
# EXISTING CONDITIONS B-B (TYP.)

N.T.S.



# PROPOSED CONDITIONS B-B (TYP.)

N.T.S.



2.7' NSVD PROPOSED ELEVATION  
2.7' NSVD EXISTING ELEVATION  
3.4' PROPOSED FILL

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SEP 25 2017  
Department of Regulatory  
and Economic Resources  
Natural Resources Division

## 398 GOLDEN BEACH

PREPARED FOR:  
BRAINTREE LIMITED

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase 1 ESAs

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SECTIONS

Date: 8/3/2017  
Proj No.: 16-0061  
Sheet: 4 of: 4

*James Bushouse, P.E.*  
Professional Engineer #20311  
State of Florida  
3300 NE 10th Terrace #24  
Pompano Beach, FL 33064  
954-956-2203

**Attachment C**  
**Zoning Memorandum**

# Memorandum



**Date:** February 21, 2017

**To:** Pamela Sweeney, Manager *PS*  
Coastal and Wetlands Resources Section  
Department of Regulatory and Economic Resources

**From:** Michelle Metcalf, Biologist I *MMS*  
Coastal and Wetlands Resources Section  
Department of Regulatory and Economic Resources

**Subject:** Class I Permit Application by Braintree LTD for Filling of 6,703 Square Feet of Wetlands Supporting Halophytic Vegetation at 398 Golden Beach Drive in the Town of Golden Beach, Miami-Dade County, Florida

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Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter or plan approval shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter or plan approval will be submitted after approval by the Miami-Dade County Board of County Commissioners and prior to issuance of the Class I permit.

## **Attachment D**

### **Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work**



301 CENTER LLC  
18901 NE 29 AVE STE 101  
AVENTURA, FL 33180

400 GB LLC  
19495 BISCAYNE BLVD STE 702  
AVENTURA, FL 33180

ALAN WOLFSON  
368 GOLDEN BEACH DRIVE  
GOLDEN BEACH, FL 33160-2243

ALFREDO JOSE FERNANDEZ GALLARDO AMY  
JOSEFINA PANTIN SHORTT  
4000 HOLLYWOOD BLVD #555-S  
HOLLYWOOD, FL 33021

BARBARA A SHAHEEN  
416 GOLDEN BEACH DR  
GOLDEN BEACH, FL 33160-2244

BRAINTREE LTD % PABLO NAVAS  
188 EAST 70 ST  
NEW YORK, NY 10021

EL LEGADO LLC  
400 GOLDEN BEACH DR  
GOLDEN BEACH, FL 33160

ERIC B FISHMAN KERYN L FISHMAN  
390 GOLDEN BEACH DR  
GOLDEN BEACH, FL 33160

JOHN L HALLIWELL &W KARLEEN M  
495 CENTRE ISLAND  
GOLDEN BEACH, FL 33160-2255

MATRIX ENTERPRISES USA LLC  
313 CENTER ISLAND DR  
GOLDEN BEACH, FL 33160

PAUL GROLL  
170 S ISLAND  
GOLDEN BEACH, FL 33160-2207

ROBERT A SNYDER &W APRIL  
487 CENTER ISLAND  
GOLDEN BEACH, FL 33160

SUZANNE C MENDAL TRS ISAAC MENDAL  
TRS  
378 GOLDEN BEACH DR  
GOLDEN BEACH, FL 33160

VOLODYMYR SYMONENKO OKSANA  
KIRPENKO  
386 GOLDEN BEACH DR  
GOLDEN BEACH, FL 33160

**Attachment E**  
**DERM Project Report**

**CLASS I PERMIT APPLICATION NO. CLI-2016-0410**

Class I Permit Application by Braintree LTD for Filling of 6,703 Square Feet of Wetlands  
Supporting Halophytic Vegetation at 398 Golden Beach Drive in the Town of Golden Beach,  
Miami-Dade County, Florida

**DATE: December 18, 2017**

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors under Section 24-48.3 of the Code of Miami-Dade County, Florida (Code). The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – The applicant is requesting authorization to fill 6,703 square feet of wetlands by raising the elevation of the property to prevent further inundation by tidal waters. The applicant is proposing to raise the elevation of the property and will incorporate berms and grading of the fill material adjacent to neighboring properties to ensure the newly placed fill remains onsite and the property is protected from tidal inundation in the future. Section 24-48.3(2) of the Code requires that dredging or filling work proposed in Class I permit applications shall comply with at least one (1) of the criteria specified therein. The opportunistic wetlands grew onsite due to tidal inundation resulting from inadequate maintenance of the bulkhead and encroachment of tidal waters through the municipal stormwater system. Therefore, DERM staff have determined that the project complies with the Code since the backfilling is a physical modification necessary to protect public or private property.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. The wetlands at the property have recruited into an upland area that was established and has been maintained as a single-family development, and the proposed impacts are the minimum necessary to allow for continued historic use of the property. The wetlands onsite are isolated from other natural wetland systems, and mitigation for impacts associated with the filling of wetlands will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts as set forth in Number 1 above.
3. **Hydrology** – The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater as set forth in Number 1 above.
4. **Water Quality** – The proposed project is not reasonable expected to adversely affect water quality.
5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.
6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.
7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. **Aesthetics** – The proposed project is not reasonably expected to result in negative aesthetic impacts.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.
12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.

13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats.
15. **Wetland Soils Suitable for Habitat** – The proposed project involves the filling of wetlands which will be mitigated as set forth in Number 1 above.
16. **Floral Values** – The proposed project involves the filling of wetlands which will be mitigated as set forth in Number 1 above.
17. **Fauna Values** – The proposed project involves the filling of wetlands which will be mitigated as set forth in Number 1 above.
18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species.
19. **Natural Flood Damage Protection** – The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater as set forth in Number 1 above.
20. **Wetland Values** – The project involves the filling of wetland habitat which will be mitigated as set forth in Number 1 above.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, a substantiating letter or plan approval shall be submitted stating that the proposed project does not violate any zoning laws. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.
22. **Recreation** – The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed project will occur on lands owned by the applicant.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of Chapter 33B of the Code of Miami-Dade County and the Miami-Dade County Public Works Manual.
25. **Comprehensive Environmental Impact Statement (CEIS)** – In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the proposed project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** – The proposed project is in conformance with applicable State, Federal and local laws and regulations:
  - a) Chapter 24 of the Code of Miami-Dade County
  - b) Florida Department of Environmental Protection (FDEP, regulatory authorization or exemption is required)
  - c) United States Clean Water Act (US Army Corps of Engineers permit or exemption is required)

**27. Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, the proposed project is in conformance with the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

**LAND USE ELEMENT I:**

**Objective 3/Policies 3A, 3B, 3C** - Protection of natural resources and systems. – The proposed project is consistent with all applicable environmental regulations, is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State Concern or the East Everglades.

**TRANSPORTATION ELEMENT II**

**Aviation Subelement/Objective AV-5A** - Aviation System Expansion - There is no aviation element to the proposed project.

**Port of Miami River Subelement/Objective 3** - Minimization of impacts to estuarine water quality and marine resources. The project is not located within the Miami River.

**CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:**

**Objective 3/Policies 3A, 3B, 3D** - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area.

**Objective 3/Policy 3E** - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/ Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within this area.

**Objective 4/Policies 4A, 4B, 4C** - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential or natural surface water drainage.

**Objective 5/Policies 5A, 5B, 5F** - Flood protection and cut and fill criteria – The proposed project will not compromise flood protection.

**Objective 6/Policy 6A** - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction.

**Objective 6/Policy 6B** - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project is not located in a rock quarry.

**Objective 7/Policy 7A, 7C, 7D, 7J** - Wetland protection and restoration. – The project will involve the filling of wetlands which will be mitigated as set forth in Number 1 above.

**Objective 9/Policies 9A, 9B, 9C** - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered species.

**COASTAL MANAGEMENT ELEMENT VII:**

**Objective 1/Policy 1A** – Mangrove wetlands within Mangrove Protection Areas – The proposed project is not located within a designated “Mangrove Protection Area.”

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**Objective 1/ Policy 1B** - Natural surface flow into and through coastal wetlands. – The proposed project will not affect natural surface flow into and through coastal wetlands.

**Objective 1/ Policy 1C** - Elevated boardwalk access through mangroves. – The proposed project does not involve the construction of an elevated walkway through mangroves.

**Objective 1/Policy 1D** - Protection and maintenance of mangrove forests and related natural vegetational communities. - The project involves filling of wetlands which will be mitigated as set forth in Number 1 above.

**Objective 1/Policy 1E** - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The project involves the filling of wetlands which will be mitigated as set forth in Number 1 above..

**Objective 1/Policy 1G** - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The proposed project does not involve dredging or filling of grass/algal flats, hard bottom or other viable benthic communities.

**Objective 2/Policies 2A, 2B** - Beach restoration and renourishment objectives. - The proposed project does not involve beach restoration or renourishment.

**Objective 3/Policies 3E, 3F** - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The proposed project does not involve the development or identification of new cut or spoil areas.

**Objective 4/Policy 4A, 4C, 4E, 4F** – Protection of endangered or threatened animal species. – The project is not reasonably expected to result in impacts to endangered or threatened species.

**Objective 5/Policy 5B** - Existing and new areas for water-dependent uses. - The proposed project is not reasonably expected to affect the existing water-dependent use.

**Objective 5/Policy 5D** - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) – The proposed meet the thresholds for review by the Shoreline Development Review Committee under the Shoreline Ordinance; the project is not subject to shoreline development review.

**Objective 5/Policy 5F** - The siting of water dependent facilities. - The proposed project does not involve the creation of new water dependent facilities.

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.

29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is in conformance with the recommendations of the Biscayne Bay Management Plan.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** – The project is not located within an area designated by the Manatee Protection Plan (MPP) as essential habitat for the West Indian Manatee; the proposed project is not located within tidal waters.

31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation

32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, a substantiating letter or plan approval shall be submitted stating that the proposed project does not violate any zoning laws. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I permit.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(B)(10)(b) of the Code of Miami-Dade County.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The project involves the filling of wetlands which will be mitigated as set forth in Number 1 above.
35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Sections 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

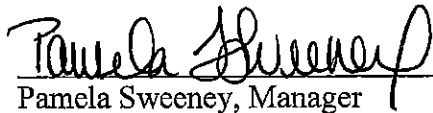
**24-48.3 (2) Dredging and Filling for Class I Permit** – The project complies with the following criterion:


- (f) A physical modification necessary to protect public or private property.

**24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County** – N/A

**24-48.3 (4) Clean Fill in Wetlands** – The project involves filling of isolated wetlands; all fill will meet the definition of clean fill as defined in Section 24-5 of the Code of Miami-Dade County.

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS I PERMIT AND VARIANCE REQUEST BE APPROVED.

  
Pamela Sweeney, Manager  
Coastal and Wetlands Resources Section

  
Michelle Metcalf, Biologist I  
Coastal and Wetlands Resources Section





# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** March 20, 2018

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 5(H)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☒ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(H)  
3-20-18

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TAKING ACTION ON A CLASS I PERMIT  
APPLICATION BY BRAINTREE LTD FOR FILLING OF  
6,703 SQUARE FEET OF WETLANDS THAT SUPPORT  
HALOPHYTIC VEGETATION AT 398 GOLDEN BEACH  
DRIVE IN THE TOWN OF GOLDEN BEACH, MIAMI-  
DADE COUNTY, FLORIDA

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Braintree LTD for filling of 6,703 square feet of wetlands that support halophytic vegetation at 398 Golden Beach Drive in the Town of Golden Beach, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 20<sup>th</sup> day of March, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Abbie Schwaderer-Raurell